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United Nations

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Second session
(25-29 April 2005)

General Assembly
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Sixtieth session
Supplement No. 48 (A/60/48)

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. On 29 April 2005, the closing date of the second session of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, there were 29 States parties to the International Convention on the Rights of All Migrant Workers and Members of Their Families. The Convention was adopted by the General Assembly in resolution 45/158 of 18 December 1990 and entered into force on 1 July 2003, in accordance with the provisions of its article 87, paragraph 1. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

B. Meetings and sessions

2. The Committee held informal meetings from 11 to 15 October 2004, in order to discuss the development of guidelines for the initial reports of States parties. The report of the informal meeting is contained in annex II to the present report.

3. The Committee held its second session at the United Nations Office at Geneva from 25 to 29 April 2005. The Committee held nine plenary meetings (CMW/C/SR.10-18). The provisional agenda, contained in document CMW/C/2005/1, was adopted by the Committee at its 10th meeting.

4. The second session was opened by the representative of the Secretary-General. At the 14th meeting, on 27 April 2005, the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, addressed the Committee.

C. Membership and attendance

5. All members of the Committee attended its informal meetings. Mr. Azad Taghizade did not participate in the second session of the Committee. The list of the members of the Committee, together with an indication of the duration of their terms of office, appears in annex III to the present report.

D. Future meetings of the Committee

6. At its 18th meeting, on 29 April 2005, the Committee decided to request the Secretary-General to arrange two sessions for the Committee in 2006, one in April/May and one in November/December. One session would be of two weeks' duration and the other of one week's duration, in order to facilitate the consideration of reports by the Committee. This arrangement would replace a single three-week session, which had initially been programmed in the budgetary estimates prepared for the 2006-2007 biennium. In accordance with rule 19 of the Committee's provisional rules of procedure, the Secretary-General prepared and circulated to the Committee's members a written estimate of the costs involved in the decision (see annex IV). The sessions of the Committee will be held at the United Nations Office at Geneva.

E. Participation in inter-committee meeting

7. The Committee designated its Chairperson, Mr. Prasad Kariyawasam, and two of its members, Mrs. Ana Elizabeth Cubias Medina and Mr. Abdelhamid El Jamri, to participate in the fourth inter-committee meeting, to be held from 20 to 22 June 2005.

F. Promotion of the Convention

8. In accordance with the request of the Committee formulated during its informal meetings, at the 16th meeting, on 28 April 2005, the Secretariat made a Power Point presentation on the provisions of the Convention and the work of the Committee. This presentation will be available to the members of the Committee in order to assist them in their activities to promote the Convention.

9. At its 17th meeting, on 28 April 2005, the Committee decided to hold at its third session a day of general discussion on the topic "Protecting the rights of all migrant workers as a tool to enhance development". Discussing this topic will allow the Committee to make a contribution to the high-level dialogue of the General Assembly to be held in 2006 devoted to international migration and development (resolution 58/208) and highlight the human rights approach to migration and development.

G. Adoption of the report

10. At its 18th meeting, the Committee adopted its second annual report to the General Assembly.

II. METHODS OF WORK

A. Reporting guidelines

11. At its 10th meeting, on 25 April 2005, the Committee adopted provisional guidelines for the submission of initial reports on which it had agreed at its informal meetings in October 2004. The text of the guidelines is contained in annex V to the present report.

B. Rules of procedure

12. Also at its 10th meeting, the Committee adopted an amendment to its rules of procedure. The amendment, which introduces the provision of summary records of the Committee's proceedings, had been agreed on by the Committee at its informal meetings in October 2004. The text of the rules of procedure as amended is contained in annex VI of the present report.

C. Harmonization of reporting

13. At its 12th meeting, on 26 April 2005, Mr. Kamel Filali, Rapporteur for the harmonization of reporting under the treaty bodies, discussed with the Committee the draft guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2004/3). The Committee agreed in principle that the guidelines on an expanded core document and treaty-specific reports were the way forward in order to harmonize and simplify reporting. Meanwhile, the Committee welcomed the submission by States parties of simple reports,

preferably based on the reporting guidelines adopted by the Committee. The Committee's reporting guidelines include a reference to the expanded core document and States parties may thus wish to use the option of the expanded core document and treaty-specific report. In this connection, the Committee emphasized that the harmonization of the working methods of the treaty bodies should not prevent each treaty body from retaining its core competence.

D. Working methods in relation to the consideration of reports

14. The Committee agreed that it would in principle follow the practices established by other treaty bodies in the consideration of States parties' reports. In particular, the Committee agreed that it would appoint two country rapporteurs for each initial report and adopt a list of issues, which would be sent to the State party concerned one session prior to the session at which the report would be considered. The Committee would invite the State party to respond to the list of issues in writing, which could be complemented by oral information during the consideration of the report in the presence of the State party's delegation. The Committee would request States parties to ensure an appropriate composition of its delegation in order to allow for a meaningful dialogue with the Committee.

15. The Committee further agreed that it would invite contributions from United Nations agencies, intergovernmental organizations, non-governmental organizations, national human rights institutions and other concerned bodies in preparation for the consideration of the report. For this reason, the Committee would also ensure that States parties' reports, the lists of issues and States parties' responses to the lists of issues were publicly available.

E. Terminology

16. The Committee took note of a working paper on terminology prepared by the Secretariat that provided a comparison between the terms contained in the Convention and other relevant international and regional instruments. It requested the Secretariat to keep the document as a reference in the members' files.

III. COOPERATION WITH CONCERNED BODIES

A. Meeting with States parties

17. At its 13th meeting, on 26 April 2005, the Committee held a meeting with States parties to the Convention. The meeting focused on the preparation of the initial reports by States parties, the challenges faced in this respect, and the working methods in considering States parties' reports.

18. Several representatives of States parties welcomed the adoption of the Committee's provisional reporting guidelines and mentioned that they were in the process of preparing the initial report under article 73 of the Convention and in accordance with the guidelines.

19. Several representatives of States parties also raised issues related to the working methods to be followed by the Committee when considering reports. In particular, the usefulness of communicating to the States parties a list of issues before the consideration of the report by the Committee and the importance of a constructive dialogue between Committee members and States parties' representatives were emphasized.

B. Meeting with specialized agencies and intergovernmental organizations

20. At the 14th meeting, on 27 April 2005, the Committee met with representatives of the International Labour Office, in accordance with the special status accorded to the Office by article 74 of the Convention.

21. At the same meeting, the Committee also met with representatives of the Global Commission on International Migration, the International Organization for Migration, the United Nations Educational, Scientific and Cultural Organization, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees and the World Bank. All the organizations present expressed their commitment to provide the Committee with information relevant to the Committee's task of considering reports. Cooperation in the promotion of the human rights of migrants in general and of the Convention in particular was also discussed.

C. Meeting with other concerned bodies

22. At the 15th meeting, on 27 April 2005, the Committee met with representatives of several non-governmental organizations (NGOs), including some of the members of the International NGO Platform on the Migrant Workers' Convention. The Committee welcomed the launch of the Platform, which will enhance NGOs' contribution to the promotion of the Convention and to the work of the Committee. It commended the contribution that civil society continued to make to the promotion of the ratification of the Convention and its support to the Committee in its task of considering States parties' reports.

23. The meeting focused on the role of NGOs in relation to the consideration of States parties' reports by the Committee. Among the issues discussed were the presentation by NGOs of written submissions prior to the consideration of reports. NGO involvement in days of general discussion and the need to strengthen efforts to campaign for further ratifications of the Convention were also discussed.

IV. REPORTS BY STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

24. The Committee noted with concern that it had not yet received any reports from States parties under article 73 of the Convention. It welcomed information provided by some States parties that they were in an advanced stage of preparation of their initial reports. It encouraged States parties to comply with their reporting obligation under the Convention in accordance with the provisional reporting guidelines adopted by the Committee. Annex VII to the present report contains a table showing the dates by which the initial reports of States parties should be submitted.

Annex I

STATES THAT HAVE SIGNED, RATIFIED OR ACCEDED TO THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES AS AT 29 APRIL 2005

State	Signature	Ratification or accession[a]
Algeria		21 April 2005[a]
Argentina	10 August 2004	
Azerbaijan		11 January 1999[a]
Bangladesh	7 October 1998	
Belize		14 November 2001[a]
Bolivia		16 October 2000[a]
Bosnia and Herzegovina		13 December 1996[a]
Burkina Faso	16 November 2001	26 November 2003
Cambodia	27 September 2004	
Cape Verde		16 September 1997[a]
Chile	24 September 1993	21 March 2005
Colombia		24 May 1995[a]
Comoros	22 September 2000	
Ecuador		5 February 2002[a]
Egypt		19 February 1993[a]
El Salvador	13 September 2002	14 March 2003
Gabon	15 December 2004	
Ghana	7 September 2000	7 September 2000
Guatemala	7 September 2000	14 March 2003
Guinea		7 September 2000[a]
Guinea-Bissau	12 September 2000	
Indonesia	22 September 2004	
Kyrgyzstan		29 September 2003[a]
Lesotho	24 September 2004	
Liberia	22 September 2004	
Libyan Arab Jamahiriya		18 June 2004[a]
Mali		5 June 2003[a]
Mexico	22 May 1991	8 March 1999
Morocco	15 August 1991	21 June 1993
Paraguay	13 September 2000	
Philippines	15 November 1993	5 July 1995
Sao Tome and Principe	6 September 2000	
Senegal		9 June 1999[a]
Serbia and Montenegro	11 November 2004	
Seychelles		15 December 1994[a]

State	Signature	Ratification or accession[a]
Sierra Leone	15 September 2000	
Sri Lanka		11 March 1996[a]
Tajikistan	7 September 2000	8 January 2002
Timor-Leste		30 January 2004[a]
Togo	15 November 2001	
Turkey	13 January 1999	27 September 2004
Uganda		14 November 1995[a]
Uruguay		15 February 2001[a]

Annex II

REPORT OF THE COMMITTEE ON ITS INFORMAL MEETING

1. The Committee on Migrant Workers held an informal meeting at the United Nations Office at Geneva, Palais Wilson from 11 to 15 October 2004, which all members attended. The Committee held nine plenary meetings.

I. OUTCOME OF THE THIRD INTER-COMMITTEE MEETING AND SIXTEENTH MEETING OF CHAIRPERSONS OF HUMAN RIGHTS TREATY BODIES

2. The Committee welcomed the election of its Chairperson, Mr. Prasad Kariyawasam, as chairperson of the third inter-committee meeting and the sixteenth meeting of chairpersons of human rights treaty bodies, and took note with interest of the report of the meetings. The Committee also took note of the secretariat's report containing the draft guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2004/3) and decided to comment on this report at its next formal session in 2005, in time for the next inter-committee meeting.

II. PROVISIONAL GUIDELINES FOR REPORTING BY STATES PARTIES TO THE CONVENTION

3. The Committee discussed its reporting guidelines while keeping in mind the need to streamline reporting under the different United Nations human rights treaties as well as the desirability of an expanded core document. It met with representatives of the International Labour Organization (ILO), who provided guidance to the Committee based on their vast experience with reporting under the ILO conventions. The Committee also took note of guidelines adopted by other human rights treaty bodies.

4. The Committee invited the International Catholic Migration Commission to give a presentation of a study which it had carried out together with the non-governmental organization "December 18" on how other human rights treaty bodies address the issue of migrant workers in their concluding observations.

5. At the end of its meeting, the Committee agreed to adopt the provisional guidelines for the presentation of initial reports by States parties. It requested the secretariat to transmit the guidelines to all States parties and to encourage States parties to use them when preparing their initial report. At the same time, the Committee decided that those States parties whose initial reports were already in preparation at the time of transmittal of the guidelines, be encouraged to complete and submit their reports to the Committee even though they had not been prepared in conformity with the guidelines.

III. AMENDMENT TO THE COMMITTEE'S RULES OF PROCEDURE

6. The Committee decided to adopt at its next formal session the following text, to be inserted in its provisional rules of procedure:

(a) The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the members in English, French and Spanish;

(b) Summary records are subject to correction, to be submitted to the secretariat by participants in the meetings in the language in which the summary record is issued. Corrections to the record of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned;

(c) The summary records of public meetings shall be documents for general distribution unless, in exceptional circumstances, the Committee decides otherwise;

(d) Sound recordings of the meetings of the Committee shall be made and kept in accordance with the usual practice of the United Nations.

IV. PROMOTION OF THE CONVENTION

7. The Committee discussed ways and means of promoting the Convention and was mindful of the importance of maintaining the independence and credibility of the Committee.

8. Members made, inter alia, the following suggestions:

Representatives of regional organizations and mechanisms should be invited to attend the Committee's meetings;

A standard Power-Point presentation on the Convention and the Committee should be prepared in English, French and Spanish, for use by all members;

The Committee should work closely together with civil society in the promotion of the Convention;

Members of the Committee should participate in meetings and fora on issues of migration and may consider distributing work among themselves by geographical zones;

A common e-mail address should be created in order to facilitate continuous communication between members;

Members may consider contacting their Governments in order to encourage them to approach neighbouring States to promote ratification of the Convention;

Media could be contacted in order to help promote the Convention;

The Chairperson should contact the United Nations High Commissioner for Human Rights in order to increase the role of the Office in raising awareness about the Convention and promoting its ratification as well as to explore ways of increasing resources for the work of the Committee.

9. The Director-General of the International Organization for Migration, the Executive Director of the Global Commission on International Migration, and the representative of the International Labour Organization shared their views and ideas on the promotion of ratification of the Convention with the Committee and informed the members about the activities undertaken by their respective organizations relevant to the work of the Committee.

10. The Committee also had an exchange of views with non-governmental organizations on their activities for the protection of migrants' rights and the promotion of the Convention.

11. The Committee welcomed the willingness of international organizations and agencies and non-governmental organizations to share their ideas about the promotion and implementation of the Convention and looks forward to continuing cooperation with them.

V. FUTURE SESSIONS OF THE COMMITTEE

12. The Committee discussed topics for the agenda of its next formal meeting. The following proposals were made:

- Formal adoption of the provisional guidelines for the presentation of initial reports by States parties;
- A meeting with States parties on the modalities of reporting;
- Working methods in relation to the examination of reports of States parties;
- Further consideration of the provisional rules of procedure;
- A substantive discussion on terminology.

13. The secretariat was requested to prepare background information on the working methods of other human rights treaty bodies as well as on the issue of terminology.

14. The Committee referred to its request addressed to the Secretary-General during its first session in March 2004 to arrange for two sessions of the Committee in 2005. The Committee indicated the following tentative dates for its sessions in 2005:

Second session: 25 to 29 April 2005

Third session: 31 October to 4 November 2005.

Annex III

MEMBERSHIP OF THE COMMITTEE AND COMPOSITION OF ITS BUREAU

Name of the member	Country of nationality	Term expires on 31 December
Mr. Francisco ALBA	Mexico	2007
Mr. José Serrano BRILLANTES	Philippines	2005
Mr. Francisco CARRIÓN-MENA	Ecuador	2007
Ms. Ana Elizabeth CUBIAS MEDINA	El Salvador	2007
Ms. Anamaría DIEGUEZ	Guatemala	2005
Mr. Ahmed Hassan EL-BORAI	Egypt	2007
Mr. Abdelhamid EL JAMRI	Morocco	2007
Mr. Arthur Shatto GAKWANDI	Uganada	2005
Mr. Prasad KARIYAWASAM	Sri Lanka	2005
Mr. Azad TAGHIZADE	Azerbaijan	2005

Composition of the Bureau:

Chairperson:	Mr. Prasad KARIYAWASAM (Sri Lanka)
Vice-Chairpersons:	Mr. José Serrano BRILLANTES (Philippines)
	Ms. Anamaría DIEGUEZ (Guatemala)
	Mr. Ahmed Hassan EL-BORAI (Egypt)
Rapporteur:	Mr. Francisco ALBA (Mexico).

Annex IV

ORAL STATEMENT MADE IN ACCORDANCE WITH RULE 19 OF THE COMMITTEE'S PROVISIONAL RULES OF PROCEDURE CONCERNING THE COMMITTEE'S REQUEST FOR A TWO-SESSION MEETING IN 2006

1. This statement is made in accordance with rule 19 of the Rules of Procedure of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. The Committee would decide to request the Secretary-General to arrange two sessions for the Committee in 2006, one session of a two-week duration and the other of a one-week duration. This arrangement would replace a three-week session, which has been included in the proposed programme budget for the biennium 2006-2007.

3. The arrangement with two sessions in 2006 would result in additional requirements for travel of the Committee members. No provisions have been made for these requirements in the proposed programme budget for the biennium 2006-2007. It is estimated that additional requirements would amount to US$ 36,800 under Section 23, Human Rights.

Annex V

PROVISIONAL GUIDELINES REGARDING THE FORM AND CONTENT OF INITIAL REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 73 OF THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Introduction

1. Article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides that States parties undertake to submit to the Secretary-General of the United Nations for consideration by the Committee a report on the measures they have taken to give effect to the provisions of the Convention. The Committee has agreed to the following guidelines in order to give indications to States parties on the form and contents of their initial reports.

2. Those States parties whose initial reports are already in preparation at the time of transmittal of these guidelines can complete and submit their report to the Committee even if the report has not been prepared in conformity with the present guidelines.

A. Part I. Information of a general nature

3. This part should:

(a) Describe the constitutional, legislative, judicial and administrative framework governing the implementation of the Convention, and any bilateral, regional or multilateral agreements in the field of migration entered into by the reporting State party.

(b) Provide quantitative and qualitative information, as disaggregated as possible, on the characteristics and nature of the migration flows (immigration, transit and emigration) in which the State party concerned is involved.

(c) Describe the actual situation as regards the practical implementation of the Convention in the reporting State and indicate the circumstances affecting the fulfilment of the obligations of the reporting State under the Convention.

(d) Include information on the measures taken by the State party for the dissemination and promotion of the Convention and on the cooperation with civil society in order to promote and respect the rights contained in the Convention.

B. Part II. Information in relation to each of the articles of the Convention

4. This part should provide specific information relating to the implementation by the reporting State of the Convention, in accordance with the sequences of the articles and their respective provisions. In order to facilitate the reporting procedure for the States parties, the information may be provided per clusters of articles as follows:

(a) GENERAL PRINCIPLES:

– Articles 1 (1), 7:	Non-discrimination;
– Article 83:	Right to an effective remedy;
– Article 84:	Duty to implement the Convention.

(b) PART III OF THE CONVENTION: Human rights of all migrant workers and members of their families:

– Article 8:	Right to leave any country including own and to return;
– Articles 9, 10:	Right to life; prohibition of torture; prohibition of inhuman or degrading treatment;
– Article 11:	Prohibition of slavery and forced labour;
– Articles 12, 13 and 26:	Freedom of opinion and expression; freedom of thought conscience and religion; right to join a trade union;
– Articles 14, 15:	Prohibition of arbitrary or unlawful interference with privacy, home, correspondence and other communications; prohibition of arbitrary deprivation of property;
– Articles 16 (sections 1-4), 17 and 24:	Right to liberty and security of persons, safeguards against arbitrary arrest and detention; recognition as a person before the law;
– Articles 16 (sections 5-9), 18, 19:	Right to procedural guarantees,
– Article 20:	Prohibition of imprisonment, deprivation of authorization of residence and/or work permit and expulsion merely on the ground of failure to fulfil a contractual obligation;
– Articles 21, 22, 23:	Protection from confiscation and/or destruction of ID and other documents; protection against collective expulsion; right to recourse to consular or diplomatic protection;

- Articles 25, 27, 28: Principle of equality of treatment in respect of: remuneration and other conditions of work and terms of employment; social security; and right to receive urgent medical care;

- Articles 29, 30, 31: Right of a child of a migrant worker to a name, registration of birth and nationality; access to education on the basis of equality of treatment; respect for the cultural identity of migrant workers and members of their families;

- Articles 32, 33: Right to transfer in the State of origin their earnings, savings and personal belongings; right to be informed on the rights arising from the Convention and dissemination of information.

(c) PART IV OF THE CONVENTION: Other rights of migrant workers and their families who are documented or in a regular situation:

- Article 37: Right to be informed before departure of the conditions of admission to the State of employment and of their remunerated activity;

- Articles 38, 39: Right to be temporarily absent without effect upon authorization to stay or work; right to liberty of movement and to choose the residence in the territory of the State of employment;

- Articles 40, 41, 42: Right to form associations and trade unions; right to participate in public affairs of their State of origin and to vote and be elected at election of that State; procedure and institutions taking care of the needs of migrant workers and possible enjoyment of political rights in the State of employment;

- Articles 43, 54, 55: Principle of equality of treatment with nationals of the State of employment in relation to the issues indicated; equality of treatment as to protection against dismissal, unemployment benefits and access to public work schemes and alternative employment; equality of treatment in the exercise of a remunerated activity;.

- Articles 44 and 50: Protection of the unity of the families of migrant workers and reunification of migrant workers; consequences of death or dissolution of marriage;

- Articles 45 and 53: Enjoyment of equality of treatment for members of the families of migrant workers in the indicated aspects and measures taken to guarantee integration of children of migrant workers in the local school system; right to freely choose a remunerated activity for members of a migrant worker's family;

- Articles 46, 47, 48: Exemption from import and export duties and taxes in respect of particular belongings; right to transfer earnings and savings from the State of employment to the State of origin or any other State; imposition of taxes and avoidance of double taxation principle;

- Articles 51, 52: Right to seek alternative employment in case of termination of the remunerated activity for migrant workers not authorized to freely choose their remunerated activity; conditions and restrictions for migrant workers who can freely choose their remunerated activity;

- Articles 49 and 56: Authorization of residence and authorization to engage in a remunerated activity; general prohibition and conditions of expulsion.

(d) PART V OF THE CONVENTION: Provisions applicable to particular categories of migrant workers and members of their families

The State party should indicate the provisions or measures adopted for the particular categories of migrants indicated in articles 57 to 63 of the Convention, if any.

(e) PART VI OF THE CONVENTION: Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families

The State party should indicate the measures taken to ensure promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families. In particular:

- Article 65: Establishment of appropriate services to deal with questions concerning international migration of workers and members of their families;

- Article 66: Authorized operations and bodies for the recruitment of workers for employment in another State;

– Article 67:	Measures regarding the orderly return of migrant workers and members of their families to the State of origin, their resettlement and cultural reintegration;
– Article 68:	Measures aimed at the prevention and elimination of illegal or clandestine movements and employment of migrant workers in an irregular situation;
– Article 69:	Measures taken to ensure that migrant workers in an irregular situation do not persist in this condition within the territory of a State party and circumstances to take into account in case of regularization procedures;
– Article 70:	Measures taken to ensure that living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity;
– Article 71:	Repatriation of the bodies of deceased migrant workers or members of their families and compensation matters relating to the death.

Presentation of the report

5. The report should be accompanied by sufficient copies (if possible in English, French or Spanish) of the principal legislative and other texts referred to in the report. These will be made available to members of the Committee. It should be noted, however, that they will not be reproduced for general distribution with the report. It is desirable therefore that, when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be understood without reference to it.

6. States parties may wish to present their initial report under article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in conjunction with the Common Core Document referred to in document HRI/MC/2004/3 which contains draft guidelines for its preparation. This option has been encouraged by the third inter-committee meeting held in Geneva on 21-22 June 2004 (see document A/59/254, Report of the Sixteenth Meeting of the Chairpersons of the Human Rights Treaty Bodies).

7. Initial reports under article 73 of the Convention should be submitted in electronic form (on diskette, CD-ROM or by electronic mail), accompanied by a printed paper copy. The report should not exceed 120 pages (A4-size paper, with 1.5 line spacing; and text of 12 points in the font Times New Roman).

Annex VI

PROVISIONAL RULES OF PROCEDURE AS AMENDED

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PART ONE. GENERAL RULES

I. SESSIONS

Meetings of the Committee

Rule 1

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Committee") shall hold meetings as may be required for the satisfactory performance of its functions in accordance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Convention").

Regular sessions

Rule 2

1. The Committee shall normally meet annually.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Place of sessions

Rule 3

Sessions of the Committee shall normally be held at the United Nations Office at Geneva. Another venue for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations.

Notification of opening date of sessions

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session as early as possible.

II. AGENDA

Provisional agenda for regular session

Rule 5

The provisional agenda of each session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee.

Adoption of the agenda

Rule 6

The first item on the provisional agenda of any session shall be the adoption of the agenda, unless the election of officers is required under Rule 12, in which case the elections shall be the first item on the provisional agenda.

Revision of the agenda

Rule 7

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items.

Transmission of the provisional agenda and basic documents

Rule 8

The provisional agenda shall be transmitted to the members of the Committee by the Secretariat as early as possible.

III. MEMBERS OF THE COMMITTEE

Beginning of term of office

Rule 9

The term of office of the members of the Committee shall begin on 1 January of the year after the date of their election and, in accordance with article 73, paragraph 5 of the Convention, shall expire on 31 December four years later, except for those members elected at the first election and the first election following the entry into force of the Convention for the forty-first State party who was chosen by lot to serve for two years whose terms shall expire on 31 December two years after their election.

Filling of casual vacancies

Rule 10

1. In accordance with article 72, paragraph 6, of the Convention, if a member of the Committee dies or resigns or declares for any other cause that he or she can no longer perform his or her duties as a member of the Committee, the Secretary-General shall immediately request the State party that nominated the expert to appoint within two months another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.

2. The Committee shall be asked to approve the appointment of the replacement member in writing when the Committee is not in session. The name and curriculum vitae of the expert so

appointed shall be transmitted by the Secretary-General to the Committee for approval. Upon approval of the expert by the Committee, the Secretary-General shall notify the States parties of the name of the member of the Committee filling the casual vacancy.

3. Where the Committee declines to approve the appointment of a replacement under the first paragraph of this rule, the State party that nominated the expert shall be invited to appoint another expert from among its own nationals.

4. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General shall act in accordance with the provisions of paragraph 1 of the present rule only after receiving, from the member concerned, a written declaration of his or her decision to cease to function as a member of the Committee.

Solemn declaration

Rule 11

Before assuming her/his duties after her/his first election, each member of the Committee shall make the following solemn declaration in open Committee:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Protection of the Rights off All Migrant Workers and Members of Their Families honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Election of officers

Rule 12

1. The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur; these officers together shall constitute the Bureau of the Committee, which shall meet regularly.

Conduct of elections

Rule 13

1. Where there is only one candidate for election of one of its officers, the Committee may decide to elect that person by acclamation.

2. Where there are two or more candidates for election as one of its officers, or where the Committee otherwise decides to proceed with a ballot, the person who obtains a simple majority of the votes cast shall be elected.

3. If no single candidate receives a majority of the votes cast, the members of the Committee shall endeavour to reach a consensus before holding a further ballot.

4. Elections shall be held by secret ballot.

Term of office of elected officers

Rule 14

1. In accordance with article 75, paragraph 2, of the Convention, officers shall be elected for a term of two years.

2. No officer of the Committee may hold office if he or she ceases to be a member of the Committee.

Functions of Chairperson

Rule 15

1. The Chairperson shall perform the functions conferred upon her/him by the Committee and by these rules of procedures.

2. In exercising her/his functions as Chairperson, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 16

1. If, during a session, the Chairperson is unable to be present at a meeting or any part thereof, he or she shall designate another member of the Bureau, to act in her or his place.

2. Any member acting as Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 17

If any of the officers of the Committee ceases to serve or declares her/his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of her/his predecessor.

V. SECRETARIAT

Statements

Rule 18

The Secretary-General or her/his representative shall attend all meetings of the Committee and, subject to Rule 24 of the present rules, may make oral or written statements at those meetings.

Financial implications of proposals

Rule 19

Before any proposal which involves expenditures is approved by the Committee, the Secretary-General shall prepare and circulate to its members, as early as possible, a written estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee.

VI. LANGUAGES

Official and working languages

Rule 20

1. Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee.

2. All formal decisions of the Committee shall be issued in the official languages.

VII. RECORDS

Rule 21

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the members in English, French and Spanish.

2. Summary records are subject to correction, to be submitted to the secretariat by participants in the meetings in the language in which the summary record is issued. Corrections to the record of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned.

3. The summary records of public meetings shall be documents for general distribution unless, in exceptional circumstances, the Committee decides otherwise.

4. Sound recordings of the meetings of the Committee shall be made and kept in accordance with the usual practice of the United Nations.

VIII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 22

The meetings of the Committee shall be held in public, unless the Committee decides otherwise.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 23

Documents of the Committee shall be documents for general distribution, unless the Committee decides otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 24

Six members of the Committee shall constitute a quorum for the adoption of formal decisions. When the number of members of the Committee rises to 14 in accordance with article 72, paragraph 2 (a), of the Convention, 8 members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 25

1. The Chairperson, in accordance with these rules, shall control the proceedings of the Committee and ensure the maintenance of order at its meetings. She or he shall ensure that the Committee proceeds with its work efficiently, including through limiting time allowed to speakers.

2. The Chairperson shall rule immediately on points of order, which may be raised by a member at any time during the discussion. A member raising a point of order may not speak on the substance of the matter under discussion.

3. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

4. The Chairperson may propose to the Committee to adjourn or close the debate, or to suspend or adjourn the meeting.

5. Any member may request that a decision regarding the conduct of the Committee's business be immediately put to the vote.

Adoption of decisions

Rule 26

1. The Committee shall attempt to reach all of its decisions by consensus. If consensus cannot be reached, decisions shall be put to a vote.

2. Bearing in mind paragraph 1 above, the Chairperson at any meeting may, and at the request of any member shall, put the proposal to a vote.

Voting

Rule 27

1. Each member of the Committee shall have one vote.

2. Any proposal or motion put to the vote shall be adopted by the Committee if it has the support of a simple majority of the members present and voting. For the purpose of these rules, "members present and voting" means all members casting an affirmative or negative vote; members who abstain from voting are considered as not voting.

XI. PARTICIPATION OF SPECIALIZED AGENCIES AND OTHER UNITED NATIONS BODIES, INTERGOVERNMENTAL ORGANIZATIONS AND OTHER CONCERNED BODIES

International Labour Office

Rule 28

1 In accordance with article 74, paragraph 2, of the Convention, the Secretary-General of the United Nations shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by States parties concerned and information relevant to the consideration of these reports in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with by the Convention and falling within the sphere of competence of the International Labour Organization. The Committee shall consider in its deliberations such comments and materials as the Office may provide.

2. In accordance with article 74, paragraph 5, of the Convention, the Committee shall invite the International Labour Office to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.

Submission of information, documentation and written statements by other bodies

Rule 29

In accordance with article 74, paragraph 4, of the Convention, the Committee may invite specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies (including national human rights institutions, non-governmental organizations, and other bodies), to submit, for consideration by the Committee, written information on such matters dealt with in the Convention as fall within the scope of their activities.

XII. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 30

1. In accordance with article 74, paragraph 7, of the Convention, the Committee shall submit an annual report on the implementation of the Convention to the General Assembly, containing its considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties.

2. In accordance with article 74, paragraph 8, of the Convention the Secretary-General shall transmit the annual reports of the Committee to the States parties to the present Convention, the Economic and Social Council, the Commission on Human Rights, the Director-General of the International Labour Office and other relevant organizations.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XIII. REPORTS FROM STATES PARTIES UNDER ARTICLE 73 OF THE CONVENTION

Submission of reports

Rule 31

The Committee may adopt guidelines regarding the form and contents of the reports to be submitted under article 73 of the Convention.

Consideration of reports

Rule 32

1. The Committee shall consider reports, submitted by States parties under article 73 of the Convention, in accordance with the procedure set out in article 74 of the Convention.

2. The Committee may adopt more detailed rules of procedure relating to the submission and consideration of reports submitted by States parties under the Convention.

Rule 33

No member of the Committee shall participate in the examination of State party reports or the discussion and adoption of concluding observations if they involve the State party in respect of which she or he was elected to the Committee.

XIV. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 76 OF THE CONVENTION

Since the procedure under article 76 of the Convention has not yet entered into force, the Committee will consider rules relating to it at a later stage.

XV. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 77 OF THE CONVENTION

Since the procedure under article 77 of the Convention has not yet entered into force, the Committee will consider rules relating to it at a later stage.

PART THREE. RULES RELATING TO INTERPRETATION

XVI. INTERPRETATION

Headings

Rule 34

For the purpose of interpretation of these rules, the headings, which were inserted for reference purposes only, shall be disregarded.

Amendments

Rule 35

The rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Convention.

Annex VII

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 7 OF THE CONVENTION AS AT 29 APRIL 2005

State party	Type of report	Date due
Algeria	Initial	1 August 2006
Azerbaijan	Initial	1 July 2004
Belize	Initial	1 July 2004
Bolivia	Initial	1 July 2004
Bosnia and Herzegovina	Initial	1 July 2004
Burkina Faso	Initial	1 March 2005
Cape Verde	Initial	1 July 2004
Chile	Initial	1 July 2006
Colombia	Initial	1 July 2004
Ecuador	Initial	1 July 2004
Egypt	Initial	1 July 2004
El Salvador	Initial	1 July 2004
Ghana	Initial	1 July 2004
Guatemala	Initial	1 July 2004
Guinea	Initial	1 July 2004
Kyrgyzstan	Initial	1 January 2005
Libyan Arab Jamahiriya	Initial	1 October 2005
Mali	Initial	1 October 2004
Mexico	Initial	1 July 2004
Morocco	Initial	1 July 2004
Philippines	Initial	1 July 2004
Senegal	Initial	1 July 2004
Seychelles	Initial	1 July 2004
Sri Lanka	Initial	1 July 2004
Tajikistan	Initial	1 July 2004
Timor-Leste	Initial	1 May 2005
Turkey	Initial	1 January 2006
Uganda	Initial	1 July 2004
Uruguay	Initial	1 July 2004

Annex VIII

LIST OF DOCUMENTS ISSUED OR TO BE ISSUED IN CONNECTION WITH THE SECOND SESSION OF THE COMMITTEE

CMW/C/2005/1	Agenda
CMW/C/SR.10-18	Summary records of the second session of the Committee
CMW/C/2/1	Provisional rules of procedure
CMW/C/2/2	Provisional reporting guidelines